IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2237 of 2006

ANAND SINGH
V/S
STATE & ORS.

Mr. RANJEET JOSHI, for the appellant / petitioner

Date of Order : 24.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The petitioner claims a direction to the respondents to appoint the petitioner as Helper or Peon. The claim is based on the ground, that Shri Ranjeet Singh was the employee of the respondents, and while in service, while discharging the duty on the electric pole over the D.P. on 17.5.2004, on account of negligence of the department, Shri Ranjeet Singh fell down from the pole in the deep well, and ultimately died. The petitioner claims to have brought the dead body from the hospital to parental village, and to have performed the last rites. It is claimed that the Ranjeet Singh was the real uncle of the petitioner, who had left no other near heir like wife or children, and since the petitioner was minor, within 30

days of attaining majority, the petitioner submitted application for appointment, under the Rajasthan Compassionate Appointment of Dependants of Deceased Government Servants Rules, 1996. It is also alleged, that under the rules, the employment is admissible, where the spouse or at least one of the sons, is not under employment, on regular basis, with the Central/State Government, or Statutory Board, or Organization/Corporation owned by it, and since the petitioner is a nephew, he is entitled to be given appointment.

I have considered the submission.

It is informed by the learned counsel that the petitioner's father, Kalyan Dan, is already in government service. In the writ petition, there is nothing to show, that the petitioner was dependent on the deceased employee. May be, that the petitioner may claim to be the heir of the deceased, on account of the deceased having not left any other nearer heir, but then, the compassionate appointment cannot be said to be heritable property, capable of being claimed by a nearest heir, by way of inheritance.

In my view, in view of the fact, that the petitioner's father is already in government employment,

and the petitioner is not shown to be dependent on the deceased, no relief can be claimed by the petitioner.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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